



BALLOT**PEDIA**

# CRIMINAL JUSTICE

**ARGUMENTS AND REFORM  
APPROACHES RELATED TO POLICING  
POLICY**

January 2024

# **Criminal Justice: Arguments and reform approaches related to policing policy**

## **Summary**

This document guides you through an introduction to the main areas of debate and reform proposals related to hiring, training, and discipline of police officers.

By the end of this reading you will have an understanding of the following concepts:

- Arguments related to police hiring
- Arguments related to police training
- Arguments related to police discipline
- Reform proposals related to policing policy

The following sections present general overviews of a selection of arguments and proposals in these areas. For more detailed information about an argument or proposal, please [view our full taxonomy](#).

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# **Criminal Justice: Arguments and reform approaches related to policing policy**

## **Arguments related to police hiring**

The following selected arguments illustrate three common areas of debate related to the hiring of police officers: hiring criteria, officer retention, and the number of police officers necessary to address crime.

### ***Hiring criteria***

Arguments about hiring criteria for police officers often focus on topics such as diversity and education.

- **Diversity:** Kevin Morrissey in his Community Oriented Policing Services (COPS) report on “Hiring for the 21st Century Law Enforcement Officer,” argues that hiring diverse police officers (with respect to characteristics such as gender, race, class, or ethnicity) can have positive effects on police departments by improving community relations.
- **Education:** Scholars Jan Terpstra and Dorian Schaap argue that police officers should be required to have higher police education, such as a college degree, to improve policing knowledge and expertise. Other scholars such as Billy Henson, Bradford W. Reynolds, Charles F. Klahm IV, and James Frank, oppose this argument, claiming that higher education does not affect police officers’ job success.

### ***Officer retention***

Some scholars argue that officer retention is a departmental issue that should take precedence over recruitment. For example, a report from the RAND Center on Quality Policing argues that police departments should prioritize developing effective strategies to retain police officers and prevent staff turnover.

### ***Number of police officers necessary to address crime***

Jon Guze with the John Locke Foundation argues that hiring more police officers to work within communities will reduce crime.

## Arguments related to police training

The following selected arguments shed light on three common areas of debate related to the training of police officers: training models, the scope of basic training, and the establishment of training standards.

### ***Training models***

Law professor Seth Stoughton argues in favor of police departments adopting a community-oriented approach to training versus a paramilitary-style approach. Stoughton highlights the importance of communication and behavioral skills, which lead to the development of what he refers to as a guardian mentality. He suggests that police officers who have the mentality of guardians instead of warriors are better suited to serve communities.

### ***Basic training***

Professors John J. Sloan III and Eugene A. Paoline III argue that police officer basic training should include training on topics such as communication, diversity, ethics, and stress management.

Law professor Yuri R. Linetsky also argues that the time spent in basic training should include legal training outside of traffic laws. Some scholars also argue in favor of implementing mental health training and implicit bias training.

### ***Training standards***

A report published by the Brookings-AEI Working Group on Criminal Justice Reform argues that a national criterion should be created for police officer basic training. A basic training curriculum is usually created by either the local jurisdiction or through state mandates. Some scholars argue that developing national standards for basic training would ensure that police officers receive the same foundation for policing throughout the United States.

## Arguments related to police discipline

The following selected arguments illustrate three common areas of debate related to the discipline of police officers: transparency of disciplinary records, prevention of police misconduct, and qualified immunity.

### ***Disciplinary records transparency***

Some scholars, such as Katherine J. Bies, argue that maintaining publicly accessible police officer disciplinary records leads to greater police officer accountability.

Other scholars, such as law professor Kate Levine, argue that making police officers' disciplinary records accessible to the public infringes on police officers' right to privacy. Proponents of this argument claim that the drawbacks of increased surveillance and data on police officers outweigh the benefits of transparency.

### ***Prevention of police misconduct***

The Council on Criminal Justice Task Force on Policing argues in a report that mechanisms such as duty-to-intervene and mandatory reporting policies can aid in preventing officer misconduct. Duty-to-intervene policies require officers to intercede during certain circumstances of officer misconduct and can vary based on departmental policy and legislation.

### ***Qualified immunity***

Some scholars, such as policy analyst Jay Schweikert, argue that qualified immunity—a legal doctrine that prevents law enforcement officers from being held individually accountable for allegedly violating civilian constitutional rights—is ineffective and frequently used to protect law enforcement officers from being held accountable for misconduct.

Other scholars have claimed that eliminating qualified immunity will not solve all of the problems critics have identified with the doctrine. For example, Schweikert argues that eliminating qualified immunity would not address issues with certain officers being exempt from compensating victims for harm caused, also known as indemnification.

## Reform proposals related to policing policy

Many reform proposals aim to implement views supported in the main areas of debate and arguments related to policing policy. The concepts discussed below will be familiar as they relate to many of the arguments previously covered.

## Reform proposals related to police hiring

Reform proposals related to the hiring of police officers often address selection criteria, officer retention, and recruitment strategies. Organizations and individuals such as COPS, the RAND Center on Quality Policing, and other scholars and law enforcement professionals have proposed the following reform approaches:

- Selection criteria: Police departments should develop new selection criteria to improve the success of the hiring process, including changes to entrance examinations and higher education requirements for recruits.
- Officer retention: Police departments should implement strategies to prevent officer turnover and improve retention rates, including increasing compensation and improving employee engagement and department effectiveness.
- Recruitment strategies: Police departments should implement new strategies for recruiting potential officers such as improving online recruitment; building employee referral networks; streamlining the recruitment and onboarding process; and developing plans of action to recruit more women and minorities.

## Reform proposals related to police training

Reform proposals related to police officer training often concern training models, mental health training, use of force concerns, and national standards for police training. George Mason University's Center for Evidence-Based Crime Policy, the Brookings-AEI Working Group on Criminal Justice Reform, and other scholars have put forth the following reform proposals:

- Implement new types of training models:
  - Police officer training should focus on establishing community trust, safety, communication, and ethical policing instead of the use of paramilitary tactics.
  - Police departments should implement trauma-informed policing models, which would train officers to identify and understand trauma when addressing crime.
  - Police departments should implement community-oriented policing models, which would aim to build trust between the community and the police.
- Mental health training: Police departments should train police officers on how to respond to calls involving people with mental illnesses.
- Use of force concerns: Police departments should include alternative tactics and strategies, such as de-escalation techniques, into basic training. Police officers could use such alternatives to prevent the use of force during civilian encounters.
- Development of national standards for policing: National standards for policing should be developed to ensure that all law enforcement officers throughout the country are receiving training on the same skills and tactics needed for effective policing.



## Reform proposals related to police discipline

Six identified approaches to reform related to the discipline of police officers address the transparency of disciplinary records, police misconduct, body-worn cameras, police oversight, defunding or divesting from policing practices, and qualified immunity. The Cato Institute, the Council on Criminal Justice Task Force on Policing, and other scholars have put forth the following reform proposals:

- **Disciplinary records transparency:** A federal database should be established to document police officer disciplinary records and officer data.
- **Addressing police misconduct:** A federal- or state-level decertification process should be implemented or police departments should implement early intervention systems to address misconduct. Early intervention systems are mechanisms designed to prevent misconduct using data systems that can track previous officer misconduct to prevent further issues with community-police relations.
- **Body-worn cameras:** Police departments should require police officers to use body-worn cameras during their time on duty and during civilian encounters.
- **Police oversight:** Police departments and governing entities should implement oversight systems to monitor police misconduct and disciplinary proceedings, which could include civilian committees, city officials, and/or legal scholars.
- **Defunding or divesting from policing practices:** Governing entities should reduce funding and resources to police departments and instead distribute funds amongst mental health professionals and social services.
- **Qualified immunity:** The qualified immunity doctrine should be eliminated or modified.
  - Some proposals aim to end qualified immunity to hold police responsible for misconduct that violates the law.
  - Some proposals aim to modify qualified immunity to increase police accountability while maintaining some of the legal protections provided by the doctrine.

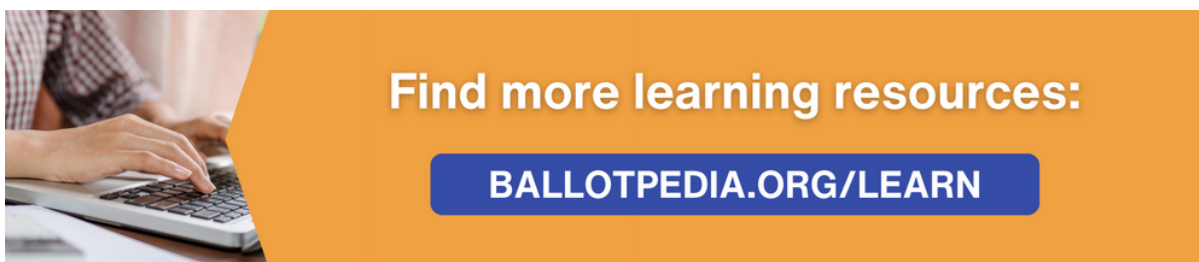


## Continued reading:

Thank you for downloading our PDF on criminal justice.

Check out the following Ballotpedia pages to dive deeper into the key concepts of this report:

- [Index of articles about criminal justice policy](#)
- [Police hiring, training, and disciplinary requirements by state and city](#)
- [Reform proposals related to police officer hiring, training, and discipline](#)



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